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|--|-------------|----------------------|--------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
| 10/540,976   | 06/27/2005  | Dominique Guinot     | 0510-1115                      | 9232             |
| 466 7590 02/02/2007<br>YOUNG & THOMPSON<br>745 SOUTH 23RD STREET<br>2ND FLOOR<br>ARLINGTON, VA 22202 |             |                      | EXAMINER<br>MARCANTONI, PAUL D |                  |
|  |             |                      | ART UNIT<br>1755               | PAPER NUMBER     |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             |                      | MAIL DATE                      | DELIVERY MODE    |
| 31 DAYS  |             |                      | 02/02/2007                     | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12 and 18-20, drawn to a calcium aluminate setting accelerator.

Group II, claim(s) 13-15, drawn to a method of making a setting accelerator.

Group III, claim(s) 16-17, drawn to a method of accelerating Portland cement by adding an accelerator.

The inventions listed as Groups I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is either obvious over or anticipated by WO 03/054304 (X reference from International Search Report) or Watanabe et al. (JP 05009049 abstract).

Both teach a composition that comprises calcium aluminate, a setting inhibitor (ie same as retarder), and at least one anti-settling agent. Watanabe et al., for example, teaches a composition for cement accelerating comprising calcium aluminate, thickening agent (which can be antissettling agent), boric acid or its salt, bentonite (clay), gypsum, etc. (See abstract). Accordingly, the special technical feature linking the two inventions, the calcium aluminate accelerator of claim 1, does not provide a contribution over the prior art and no single general inventive concept exists. Therefore, restriction is appropriate.

*Note: Claims II and III can potentially be combinable with Group I if Group I is elected and later found allowable. However, the scope of the non-elected groups (assuming Groups II and III) must be amended to be of the same exact scope of the Group I claims if found allowable. However, for the purposes of examination, only the claims of Group I will be considered should Group I be elected. See In re Ochiai.*

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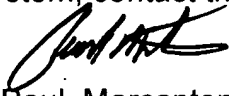
Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. If The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Marcantoni  
Primary Examiner  
Art Unit 1755